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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/702,286	08/23/96	ANDERSON	P1969/JAS-55

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EXAMINER

HARRINGTON, A

ART UNIT

PAPER NUMBER

2712

DATE MAILED: 10/01/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08 702 286

Applicant(s)

Andersson

Examiner

HARRINGTON

Group Art Unit

2712

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 8/16/99
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-9, 11-13 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-9, 11-13 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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## **DETAILED ACTION**

### ***Continued Prosecution Application***

1. The request filed on 8/16/99 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 08/702,286 is acceptable and a CPA has been established. An action on the CPA follows.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-9 and 11-13 filed on 8/16/99 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 U.S.C. § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-9, 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al (US 5,633,678) in view of Steinberg (US 5,862,218), further in view of Nakano (US 5,043,816).

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**Regarding claim 1**, Parulski et al discloses an electronic camera which captures and assigns a tag (claimed "mark") to a plurality of images taken (column 2, lines 1-5). Once all images are tagged (claimed "repeating step (a)"), the images are saved( claimed "one group function") to the storage (column 2, lines 58-65) through an user interface command switch (29; see figure 3; column 5, lines 55- 67). Although Parulski et al.'s system uses a "pre-capture tag system" for saving images, it would have been obvious to use a "post-captured tag " system, since it is known in the art use such a system, as recited in the background of Parulski et al. invention (column 2, lines 14-20), to increase processing time.

However, Parulski et al fails to specifically disclose creating a **temporary** group of marked images. Although, it is well known in the art, as taught by Steinberg.

In the same field of endeavor, Steinberg discloses a camera system in which viewable indicators/marks are attached to images **temporarily** (col. 4, lines 39-44). Thus it would have been obvious to one of ordinary skill in the art to use temporary marks/indicators to images, as taught by Steinberg to change images for which an authenticated user is allowed to view. In addition, allowing the change of the image indicators or images associated with the indicator makes the system far more flexible/versatile. However, Parulski and Steinberg fail to specifically disclose not storing the mark with image. Although, it is well known in the art, as taught by Nakano.

Nakano discloses a camera system capable of flagging images where the flags (marks) are stored in a separate part of the memory and correlated with the image to determine which image

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is a better resolution (see col. 4, lines 20-45). Thus Nakano use a form of memory partitioning which is well known to provide a better use the allotted storage space. Thus it would have been obvious to one of ordinary skill in the art to store temporary tags in separate from the image data, as taught by Nakano.

**Regarding claim 2**, Parulski et al and Steinberg disclose all the limitations as applied in claim 1., Parulski et al. further discloses the user may view a group by using the control panel (29) to select a particular group for display (column 5, lines 1-8 and column 7, lines 1-7; see figure 8).

**Regarding claim 3**, Parulski et al discloses all the limitations as applied in claim 1. In addition, Parulski et al. discloses an electronic camera which captures and assigns a tag (claimed "mark") to a plurality of images taken (column 2, lines 1-5). Once all images are tagged (claimed "repeating step (a)"), the images are saved( claimed "one group function") to the storage (column 2, lines 58-65) through an user interface command switch (29; see figure 3; column 5, lines 55-67).

**Regarding claim 6**, Regarding claim 2, Parulski and Steinberg disclose all the limitations as applied in claim 1., Parulski et al. further discloses delete functions for a particular image (column 5, lines 60-65; 52f).

**Regarding claim 7**, Parulski et al and Steinberg disclose all the limitations as applied in claim 1., Parulski et al. further discloses depressing a select key on the control panel (29) functions to assign an image to file or particulars function (delete). Thus it stands to reason to

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unassign an image the user again depresses the select key to cancel the image (selecting none ; column 6, lines 52-59).

**Regarding claim 8**, Parulski et al. discloses an electronic camera which captures and assigns a tag (claimed "mark") to a plurality of images taken (column 2, lines 1-5). When reviewing images the tag (see figure 7) is displayed which has been repeated throughout the image taking process forming a group (ex. kids, soccer). Although Parulski et al.'s system uses a "pre-capture tag system" for saving images, it would have been obvious to use a "post-captured tag" system, since it is known in the art to use such a system, as recited in the background of Parulski et al. invention (column 2, lines 14-20), to increase processing time. However, Parulski et al. fails to specifically disclose creating a temporary group of marked images. Although, it is well known in the art, as taught by Steinberg.

In the same field of endeavor, Steinberg discloses a camera system in which viewable indicators/marks are attached to images **temporarily** (col. 4, lines 39-44). Thus it would have been obvious to one of ordinary skill in the art to use temporary marks/indicators to images, as taught by Steinberg to change images for which an authenticated user is allowed to view. In addition, allowing the change of the image indicators or images associated with the indicator makes the system far more flexible/versatile. However, Parulski and Steinberg fail to specifically disclose not storing the mark with image. Although, it is well known in the art, as taught by Nakano.

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Nakano discloses a camera system capable of flagging images where the flags (marks) are stored in a separate part of the memory and correlated with the image to determine which image is a better resolution (see col. 4, lines 20-45). Thus Nakano use a form of memory partitioning which is well known to provide a better use the allotted storage space. Thus it would have been obvious to one of ordinary skill in the art to store temporary tags in separate from the image data, as taught by Nakano.

**Regarding claim 9,** . In addition, Parulski et al. discloses the tag (claimed "mark") can be alphanumeric (column 5, lines 10-15).

**Regarding claim 11,** Parulski et al and Steinberg disclose all the limitations as applied 9. In addition, Parulski et al. discloses depressing a select key on the control panel (29) functions to assign an image to file or particulars function (delete). Thus it stands to reason to unassign an image the user again depresses the select key to cancel the image (selecting none ; column 6, lines 52-59).

**Regarding claim 13,** Parulski et al. discloses an electronic camera comprising:

a memory device (18 and 24; see figure 2; column 4, lines 5-7 and 41-55);

a memory manager (column 4, lines 56 -67 and column 5, lines 31-51)

an interface coupled to said memory (column 5, lines 1-7 and column 8, lines 34-44);

an user interface for displaying (computer screen; see figure 8; column 6, lines 66-67 and column 7, lines 23-26) an image;

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means coupled to the memory manager for assigning a mark function (tag) to one of the function keys on the control panel (29), such that in response to the user selecting (column 6, lines 1-4; pressing) the assigned key, a mark number (tag- alphanumeric number; column 7, lines 59-65) is assigned to the image to be viewed. In which the user may repeatedly perform this tag on several images( column 6, lines 60-64) to be viewed under the same tag (see figure 7).

means coupled to the memory manager for assigning a group function (date, time) to a particular tag (function key; see figure 3), such that in response to a user selecting (pressing) the particular tag function, the group of images is collectively given the date and time (column 7, lines 23-40).. However, Parulski et al fails to specifically disclose creating a **temporary** group of marked images. Although, it is well known in the art, as taught by Steinberg.

In the same field of endeavor, Steinberg discloses a camera system in which viewable indicators/marks are attached to images **temporarily** (col. 4, lines 39-44). Thus it would have been obvious to one of ordinary skill in the art to use temporary marks/indicators to images, as taught by Steinberg to change images for which an authenticated user is allowed to view. In addition, allowing the change of the image indicators or images associated with the indicator makes the system far more flexible/versatile. However, Parulski and Steinberg fail to specifically disclose not storing the mark with image. Although, it is well known in the art, as taught by Nakano.

Nakano discloses a camera system capable of flagging images where the flags (marks) are stored in a separate part of the memory and correlated with the image to determine which image



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is a better resolution (see col. 4, lines 20-45). Thus Nakano use a form of memory partitioning which is well known to provide a better use the allotted storage space. Thus it would have been obvious to one of ordinary skill in the art to store temporary tags in separate from the image data, as taught by Nakano.

4. Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al (US 5,633,678) in view of Steinberg (US 5,862,218) in view of Nakano (US 5,043,816), further in view of **Parulski et al. (US 5,414, 811)**.

**Regarding claim 4**, Parulski et al and Steinberg disclose all the limitations as applied in claim 1. However, they fails to specifically disclose a slide show function (displaying one image after another in a file) for viewing images. Although, it is well known, as taught by Parulski et al.

In a related field of endeavor, Parulski et al. discloses a digital image processing system which responds to the a view command from the user by loading several images from a file to display a preceding image and the next image upon command (column 8, lines 60-68). Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a slide show feature in the system to reduce latency time in view a group of images, as taught by Parulski et al.

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5. Claims **5 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al (US 5,633,678) in view of Steinberg (US 5,862,218), further in view of Nakano (US 5,043,816) in view of **Bullock et al. (US 5,675,358)**.

**Regarding claim 5**, Parulski et al and Steinberg disclose all the limitations as applied in claim 1. However, they fails to specifically disclose duplicating the selected image. Although, it is well known in the art, as taught by Bullock et al.

In the same field, of endeavor, Bullock et al. discloses an digital image capture control apparatus in which a selected group of images(stack) or an image(see figure 18) is duplicated by saving the image(s) in another file (column 8, line 27-37) by the user selecting that feature form the graphical interface pull down display (analogous to function keys). As it is well known in computer applications, a file can be duplicated by saving it twice with different file names. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a duplicating function in order to give the user a permanent storage image source, as taught by Bullock et al.

**Regarding claim 12**, Parulski et al and Steinberg disclose all the limitations as applied in claim 11. However, they fails to specifically disclose duplicating the selected image. Although, it is well known in the art, as taught by Bullock et al.

In the same field, of endeavor, Bullock et al. discloses an digital image capture control apparatus in which a selected group of images(stack) or an image(see figure 18) is duplicated by

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saving the image(s) in another file (column 8, line 27-37) by the user selecting that feature from the graphical interface pull down display (analogous to function keys). As it is well known in computer applications, a file can be duplicated by saving it twice with different file names. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a duplicating function in order to give the user a permanent storage image source, as taught by Bullock et al.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Harrington whose telephone number is (703) 308-9295. The examiner can normally be reached on Monday to Friday from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiners supervisor, Wendy Garber, can be reached on (703) 305-4929.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

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(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 308-5399 (for informal or draft communication, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor ( Receptionist).

AMH: 

September 23, 1999

  
TUAN HO  
PRIMARY EXAMINER